

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00633-FDW**

TRUDY JANE PATE,

Plaintiff,

v.

ANDREW M. SAUL,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Consent Motion for Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). (Doc. No. 21). For the reasons stated in the uncontested motion, it is GRANTED.

On October 22, 2020, the Court remanded this case for further administrative proceedings. (Doc. No. 19). Pursuant to Shalala v. Schaefer, Plaintiff is the prevailing party by virtue of remand. 509 U.S. 292, 300-02, 113 S. Ct. 2625, 125 L. Ed. 2d. 239 (1993). Under the EAJA, a court has the power to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States. 28 U.S.C. § 2412(d)(1)(A); see also Pierce v. Underwood, 487 U.S. 552, 565, 108 S. Ct. 2541, 101 L. Ed. 2d 490 (1988) (finding that a court will award attorney's fees unless it finds that the United States was "substantial justified" in its position).

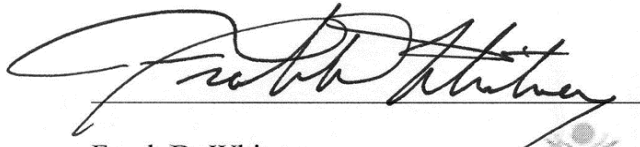
Here, Plaintiff filed the Consent Motion for Attorney Fees on December 17, 2020. (Doc. No. 21). The parties have agreed the Commissioner of Social Security should pay the sum of \$3,583.58 in fees to compensate Plaintiff's counsel 18.4 hours of work expended on obtaining a favorable result for Plaintiff in this Court. (Doc. No. 21, p. 2). The parties further agree that

payment of the fees is contingent on the determination that Plaintiff “owes no qualifying, pre-existing debt(s) to the Government” and if such debt exists, Plaintiff’s fee award will be reduced accordingly to satisfy such debt. Id. at p. 3.

IT IS THEREFORE ORDERED that Plaintiff’s Consent Motion for Attorney Fees (Doc. No. 21) is GRANTED. The Commissioner of Social Security shall pay to Plaintiff the sum of \$3,583.58 in attorneys fees.

IT IS SO ORDERED.

Signed: January 26, 2021


Frank D. Whitney
United States District Judge

